

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF DELAWARE

SUN OPTICS, INC., a Utah Corporation,	)	
	)	
Plaintiff,	)	
	)	
v.	)	
	)	
FGX INTERNATIONAL, INC., a Delaware	)	Civil Action No. 1:07cv137 SLR
Corporation,	)	
	)	
Defendant.	)	
	)	

**DECLARATION OF CHAD E. NYDEGGER IN SUPPORT OF MOTION FOR  
PRELIMINARY INJUNCTION**

**CONNOLLY BOVE LODGE & HUTZ, LLP**

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**OF COUNSEL**

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**DATE:** May 4, 2007

I, Chad E. Nydegger, hereby state:

1. I am an attorney with the firm of Workman Nydegger, counsel for the Plaintiffs in the above-entitled action.

2. I make this declaration based upon my own personal knowledge, and based upon records maintained by Workman Nydegger in the ordinary course of business, to which I have access in the course of fulfilling my duties for the firm and its clients.

3. Attached hereto as Exhibits A, B and C are true and correct copies of Forms PTO-1449, Information Disclosure Citations Made by Applicant, which list the references cited to the PTO by the Applicant during the prosecution of United States Patent No. 7,188,739.

I declare under penalty of perjury under the laws of the United States of America that the statements set forth hereinabove are true and correct to the best of my knowledge and understanding.

DATED this 4th day of May, 2007.

  
Chad E. Nydegger

**EXHIBIT A**

02/22/2006 16:47 FAX 8013281707

WORKMAN NYDEGGER

018/028

Form PTO-1449

Sheet 1 of 5

Applicant: Bruce Raile

Serial No.: 10/360,264

Att'y Docket No.: 14301.36.1

Filing Date: February 6, 2003

For: EYEWEAR CASE AND DISPLAY METHOD

INFORMATION DISCLOSURE CITATIONS MADE BY APPLICANTU.S. Patent Documents

Examiner Initial*	Document Number	Issue Date	Name
B	A1 246,460	08/1881	Chase et al.
B	A2 2,809,766	10/1957	Anderson
B	A3 D267,992	02/1983	Shelton
B	A4 D275,161	08/1984	Shelton
B	A5 D275,160	08/1984	Shelton
B	A6 4,614,272	09/30/1986	Shelton et al.
B	A7 D286,462	11/1986	Sender et al.
B	A8 D339,913	10/1993	Reed
B	A9 D369,466	05/07/1996	Jannard et al.
B	A10 4,000,810	01/04/1997	Leblanc
B	A11 D400,009	10/1998	Conway
B	A12 5,899,371	05/1999	Weliver
B	A13 D422,139	04/2000	Meikle
B	A14 D425,299	05/2000	Charbonneau
B	A15 6,102,541	08/2000	Kuo
B	A16 D432,784	10/2000	Conway

Examiner:

Date Considered:

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609, draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

02/22/2006 16:47 FAX 8013281707

WORKMAN HYDEGGER

019/028

Form PTO-1449

Sheet 2 of 5

Applicant:

Bruce Raile

Serial No.:

10/360,264

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













Filing Date:

February 6, 2003

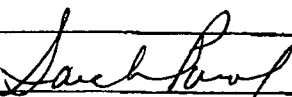
For:

EYEWEAR CASE AND DISPLAY METHOD

U.S. Patent Documents

<u>Examiner Initial*</u>	<u>Document Number</u>	<u>Issue Date</u>	<u>Name</u>
	A17 D432,786	10/2000	Rogers
	A18 D434,560	12/2000	Chao
	A19 D436,434	01/2001	Conway
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	A21 6,170,651	01/2001	Taormina
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	A26 6,273,246	08/2001	Marciano
	A27 D446,389	08/2001	Zhou
	A28 D454,686	03/2002	McCormack
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	A31 D467,421	12/2002	Chao
	A32 6,491,158	12/2002	Chen
	A33 D483,944	12/2003	Conner

Examiner:



Date Considered:

5/17/06

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020/028

Form PTO-1449

Sheet 3 of 5

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U.S. Patent Documents

Examiner Initial*	Document Number	Issue Date	Name
<u>B</u> A34	6,851,552	02/2005	Chao
<u>B</u> A35	US2005/0155872	07/2005	Cheng

Foreign Patent Documents

Examiner Initial*	Document Number	Publication Date	Country or Patent Office
NONE			

Other Documents

(including author, title, pertinent pages, etc.)

Examiner  
Initial\*

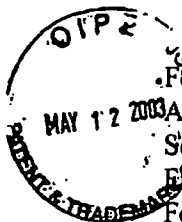
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Examiner:

Date Considered:

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**EXHIBIT B**



Form PTO-1449

Sheet 4 of 5

Applicant:

Bruce Raile

Serial No.:

10/360,264

Filing Date:

February 6, 2003

Att'y Docket No.: 14301.36.1

For:

EYEWEAR CASE AND DISPLAY METHOD

INFORMATION DISCLOSURE CITATIONS MADE BY APPLICANTU.S. Patent Documents

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<u>B</u> A1	5,501,321	03/26/1996	Liu
<u>B</u> A2	4,744,461	05/17/1988	Lapham
<u>B</u> A3	4,715,575	12/29/1987	Kamerer
<u>B</u> A4	4,204,602	05/27/1980	Dunchock
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<u>B</u> A11	2,816,666	12/17/1957	Nadel
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<u>B</u> A13	2,713,947	07/26/1955	Foster

TECHNOLOGY CENTER R3700

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MAY 16 2003

Examiner:

*Shah Patel*

Date Considered:

4/1/04

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609, draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

Form PTO-1449

Sheet 5 of 5

Applicant:

Bruce Raile

Serial No.:

10/360,264

Att'y Docket No.: 14301.36.1

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EYEWEAR CASE AND DISPLAY METHOD

INFORMATION DISCLOSURE CITATIONS MADE BY APPLICANTU.S. Patent Documents

Examiner Initial*	Document Number	Issue Date	Name
	A1 1,092,156	04/1914	Mathis
	A2 2,606,708	08/1952	Irvan
	A3 D208,469	09/1967	Parker
	A4 3,593,856	07/1971	Zander
	A5 3,857,482	12/1974	Shelton
	A6 3,866,800	02/1975	Schmitt
	A7 4,572,366	02/1986	Carson
	A8 5,141,117	08/1992	Olsen et al.
	A9 5,949,515	09/1999	Hoshino
	A10 6,382,407	05/2002	Chao
	A11 6,491,158	12/2002	Chen

U.S. Patent Publications

Examiner Initial*	Document Number	Issue Date	Name
	B1 2003/0111361	06/2003	Fischer et al.

Examiner:

Date Considered:

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**EXHIBIT C**

Form PTO-1449

Sheet 1 of 2

Applicant: Bruce Raile  
 Serial No.: 10/360,264  
 Filing Date: February 6, 2003  
 For: EYEWEAR CASE AND DISPLAY METHOD

Att'y Docket No.: 14301.36.1

INFORMATION DISCLOSURE CITATIONS MADE BY APPLICANTU.S. Patent Documents

<u>Examiner Initial*</u>	<u>Document Number</u>	<u>Issue Date</u>	<u>Name</u>
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NONE

Foreign Patent Documents


<u>Examiner Initial*</u>	<u>Document Number</u>	<u>Publication Date</u>	<u>Country or Patent Office</u>
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NONE

Other Documents

(including author, title, pertinent pages, etc.)

<u>Examiner Initial*</u>	
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 A1

Pocket Clip & Tube Readers, Insight Eyeworks, circa October 2001, 2 pages.

Examiner: 

Date Considered:

12/23/06

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Civil Action No.07-137 (SLR)

**CERTIFICATE OF SERVICE**

I, R. Eric Hutz, hereby certify that on May 4, 2007, I caused to be electronically filed a true and correct copy of the foregoing with the Clerk of the Court using CM/ECF, which will send notification that such filing is available for viewing and downloading to the following counsel of record:

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Sandra G. M. Selzer, Esquire  
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*Attorney for Defendant*  
*FGX International Inc.*

I further certify that on May 4, 2007, I caused a copy of the foregoing to be served by hand delivery on the above-listed counsel of record and the following counsel in the manner indicated:

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